

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CESAR ROMERO GRANJA

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.
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10-CV-619 (ARR)

NOT FOR PRINT OR
ELECTRONIC
PUBLICATION

ORDER

ROSS, United States District Judge:

Cesar Romero Granja, a federal inmate proceeding pro se, has filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. He claims that his attorney was ineffective for failing to file a notice of appeal after he specifically requested that his attorney do so. He also claims that his attorney was ineffective for failing to argue at his sentencing proceeding for a downward departure based on the sentence disparity between similarly situated defendants in the fast track program for illegal reentry. For the reasons stated on the record at the conclusion of today's evidentiary hearing, Granja's petition for a writ of habeas corpus is denied. Because petitioner has not made a substantial showing of the denial of a constitutional right, I decline to issue a certificate of appealability. I certify pursuant to 28 U.S.C. § 1915(a)(3) that any appeal taken from this decision would not be in good faith. The Clerk of the Court is directed to enter judgment accordingly and to close this case.

SO ORDERED.

/S/

Allyne R. Ross
United States District Judge

Dated: June 18, 2010
Brooklyn, New York

SERVICE LIST:

Petitioner

Cesar Romero Granja

75481-053

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